

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MAJORIE GASPARD,

Plaintiff,

1:20-CV-02896-AMO-JO

v.

KINGS AUTOSHOW, INC. d/b/a BROOKLYN
MITSUBISHI; GM FINANCIAL SERVICES
d/b/a AMERICREDIT FINANCIAL SERVICES;
and ‘JOHN DOE’ a fictitious name for a party
whose real name is unknown,

ANSWER TO FIRST
AMENDED COMPLAINT

Defendants.

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Defendant, KINGS AUTOSHOW INC. d/b/a BROOKLYN MITSUBISHI, by and
through their counsel, the Law Offices of C. Fred Weil, as for their Answer to the Amended
Complaint filed by Plaintiff MAJORIE GASPARD, respectfully allege as follows:

1. Denies the truth of the allegation contained in Paragraph 1 of the Amended
Complaint and refers the Court to any conclusions of law made therein.
2. Denies the truth of the allegation contained in Paragraph 2 of Plaintiff’s Amended
Complaint to the extent that the claims allege actionable violations against Brooklyn Mitsubishi.
3. Denies the truth of the allegation contained in Paragraph 3 of the Amended
Complaint and refers the Court to any conclusions of law made therein.
4. Denies the truth of the allegation contained in Paragraph 4 of the Amended
Complaint and refers the Court to any conclusions of law made therein.
5. Denies the truth of the allegation contained in Paragraph 5 of the Amended
Complaint and refers the Court to any conclusions of law made therein.

6. Denies the truth of the allegation contained in Paragraph 6 of the Amended Complaint and refers the Court to any conclusions of law made therein.
7. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in Paragraph 7 of the Amended Complaint.
8. Denies the truth of the allegation contained in Paragraph 8 of the Amended Complaint and refers the Court to any conclusions of law made therein.
9. Admits the truth of the allegation contained in Paragraph 9 of the Amended Complaint.
10. Denies the truth of the allegation contained in Paragraph 10 of the Amended Complaint and refers the Court to any conclusions of law made therein.
11. Neither admits nor denies the allegation contained in Paragraph 11 of Plaintiff's Amended Complaint, as they do not call for a response from Defendant, but to the extent that a response may be required, denies each and every allegation therein.
12. Admits the truth of the allegation contained in Paragraph 12 of the Amended Complaint.
13. Denies the truth of the allegation contained in Paragraph 13 of the Amended Complaint and refers the Court to any conclusions of law made therein.
14. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in Paragraph 14 of the Amended Complaint.
15. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in Paragraph 15 of the Amended Complaint.
16. Denies the truth of the allegation contained in Paragraph 16 of the Amended

Complaint and refers the Court to any conclusions of law made therein.

17. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in Paragraph 17 of the Amended Complaint.

18. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in Paragraph 18 of the Amended Complaint.

19. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in Paragraph 19 of the Amended Complaint.

20. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in Paragraph 20 of the Amended Complaint.

21. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in Paragraph 21 of the Amended Complaint.

22. Denies the truth of the allegation contained in Paragraph 22 of the Amended Complaint except admits that she agreed to purchase the Vehicle.

23. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in Paragraph 23 of the Amended Complaint.

24. Denies the truth of the allegation contained in Paragraph 24 of the Amended Complaint except admits that Plaintiff signed certain paperwork provided to her by a representative of Brooklyn Mitsubishi.

25. Denies the truth of the allegation contained in Paragraph 25 of the Amended Complaint.

26. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in Paragraph 26 of the Amended Complaint.

27. Denies the truth of the allegation contained in Paragraph 27 of the Amended Complaint.

28. Denies the truth of the allegation contained in Paragraph 28 of the Amended Complaint.

29. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in Paragraph 29 of the Amended Complaint.

30. Denies the truth of the allegation contained in Paragraph 30 of the Amended Complaint.

31. Denies the truth of the allegation contained in Paragraph 31 of the Amended Complaint.

32. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in Paragraph 32 of the Amended Complaint.

33. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in Paragraph 33 of the Amended Complaint.

34. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in Paragraph 34 of the Amended Complaint.

35. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in Paragraph 35 of the Amended Complaint.

36. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in Paragraph 36 of the Amended Complaint.

37. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in Paragraph 37 of the Amended Complaint.

38. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in Paragraph 38 of the Amended Complaint.

39. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in Paragraph 39 of the Amended Complaint.

40. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in Paragraph 40 of the Amended Complaint.

41. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in Paragraph 41 of the Amended Complaint.

42. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in Paragraph 42 of the Amended Complaint.

43. Denies the truth of the allegation contained in Paragraph 43 of the Amended Complaint.

44. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in Paragraph 44 of the Amended Complaint.

45. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in Paragraph 45 of the Amended Complaint.

46. Denies the truth of the allegation contained in Paragraph 46 of the Amended Complaint.

47. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in Paragraph 47 of the Amended Complaint.

48. Denies the truth of the allegation contained in Paragraph 48 of the Amended Complaint.

49. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in Paragraph 49 of the Amended Complaint.

50. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in Paragraph 50 of the Amended Complaint.

51. Denies the truth of the allegation contained in Paragraph 51 of the Amended Complaint and refers the Court to any conclusions of law made therein.

52. In response to paragraph 52, repeats, reiterates and realleges each and every response contained in paragraphs 1 through 51 of this Answer with the same force and effect as though set forth in full at this point.

53. Denies the truth of the allegation contained in Paragraph 53 of the Amended Complaint and refers the Court to any conclusions of law made therein.

54. Denies the truth of the allegation contained in Paragraph 54 of the Amended Complaint and refers the Court to any conclusions of law made therein.

55. Denies the truth of the allegation contained in Paragraph 55 of the Amended Complaint and refers the Court to any conclusions of law made therein.

56. Denies the truth of the allegation contained in Paragraph 56 of the Amended Complaint and refers the Court to any conclusions of law made therein.

57. Denies the truth of the allegation contained in Paragraph 57 of the Amended Complaint and refers the Court to any conclusions of law made therein.

58. Denies the truth of the allegation contained in Paragraph 58 of the Amended Complaint.

59. Denies the truth of the allegation contained in Paragraph 59 of the Amended

Complaint.

60. In response to paragraph 60 repeats, reiterates and realleges each and every response contained in paragraphs 1 through 59 of this Answer with the same force and effect as though set forth in full at this point.

61. Denies the truth of the allegation contained in Paragraph 61 of the Amended Complaint and refers the Court to any conclusions of law made therein.

62. Denies the truth of the allegation contained in Paragraph 62 of the Amended Complaint and refers the Court to any conclusions of law made therein.

63. Denies the truth of the allegation contained in Paragraph 63 of the Amended Complaint and refers the Court to any conclusions of law made therein.

64. Denies the truth of the allegation contained in Paragraph 64 of the Amended Complaint and refers the Court to any conclusions of law made therein.

65. Denies the truth of the allegation contained in Paragraph 65 of the Amended Complaint.

66. Denies the truth of the allegation contained in Paragraph 66 of the Amended Complaint and refers the Court to any conclusions of law made therein.

67. Denies the truth of the allegation contained in Paragraph 67 of the Amended Complaint.

68. In response to paragraph 68, repeats, reiterates and realleges each and every response contained in paragraphs 1 through 67 of this Answer with the same force and effect as though set forth in full at this point.

69. Denies the truth of the allegation contained in Paragraph 69 of the Amended

Complaint except refers the Court to any conclusions of law made therein.

70. Denies the truth of the allegation contained in Paragraph 70 of the Amended Complaint except refers the Court to any conclusions of law made therein.

71. Denies the truth of the allegation contained in Paragraph 71 of the Amended Complaint.

72. Denies the truth of the allegation contained in Paragraph 72 of the Amended Complaint.

73. In response to paragraph 73, repeats, reiterates and realleges each and every response contained in paragraphs 1 through 72 of this Answer with the same force and effect as though set forth in full at this point.

74. Denies the truth of the allegation contained in Paragraph 74 of the Amended Complaint.

75. Denies the truth of the allegation contained in Paragraph 75 of the Amended Complaint.

76. Denies the truth of the allegation contained in Paragraph 76 of the Amended Complaint.

77. Denies the truth of the allegation contained in Paragraph 77 of the Amended Complaint except refers the Court to any conclusions of law made therein.

78. Denies the truth of the allegation contained in Paragraph 78 of the Amended Complaint.

79. Denies the truth of the allegation contained in Paragraph 79 of the Amended Complaint.

80. Denies the truth of the allegation contained in Paragraph 80 of the Amended Complaint.

81. Denies the truth of the allegation contained in Paragraph 81 of the Amended Complaint.

82. In response to paragraph 82, repeats, reiterates and realleges each and every response contained in paragraphs 1 through 81 of this Answer with the same force and effect as though set forth in full at this point.

83. Denies the truth of the allegation contained in Paragraph 83 of the Amended Complaint except refers the Court to any conclusions of law made therein.

84. Denies the truth of the allegation contained in Paragraph 84 of the Amended Complaint.

85. Denies the truth of the allegation contained in Paragraph 85 of the Amended Complaint.

86. Denies the truth of the allegation contained in Paragraph 86 of the Amended Complaint.

87. Denies the truth of the allegation contained in Paragraph 87 of the Amended Complaint.

88. Denies the truth of the allegation contained in Paragraph 88 of the Amended Complaint.

89. Denies the truth of the allegation contained in Paragraph 89 of the Amended Complaint.

90. Denies the truth of the allegation contained in Paragraph 90 of the Amended

Complaint.

91. Denies the truth of the allegation contained in Paragraph 91 of the Amended Complaint.

92. In response to paragraph 92, repeats, reiterates and realleges each and every response contained in paragraphs 1 through 91 of this Answer with the same force and effect as though set forth in full at this point.

93. Denies the truth of the allegation contained in Paragraph 93 of the Amended Complaint.

94. Denies the truth of the allegation contained in Paragraph 94 of the Amended Complaint.

95. Denies the truth of the allegation contained in Paragraph 95 of the Amended Complaint.

96. Denies the truth of the allegation contained in Paragraph 96 of the Amended Complaint except refers the Court to any conclusions of law made therein.

97. Denies the truth of the allegation contained in Paragraph 97 of the Amended Complaint except refers the Court to any conclusions of law made therein.

98. Denies the truth of the allegation contained in Paragraph 98 of the Amended Complaint except refers the Court to any conclusions of law made therein.

99. Denies the truth of the allegation contained in Paragraph 99 of the Amended Complaint.

100. Denies the truth of the allegation contained in Paragraph 100 of the Amended Complaint.

101. Denies the truth of the allegation contained in Paragraph 101 of the Amended Complaint.

102. In response to paragraph 102, repeats, reiterates and realleges each and every response contained in paragraphs 1 through 101 of this Answer with the same force and effect as though set forth in full at this point.

103. Denies the truth of the allegation contained in Paragraph 103 of the Amended Complaint.

104. Denies the truth of the allegation contained in Paragraph 104 of the Amended Complaint.

105. Denies the truth of the allegation contained in Paragraph 105 of the Amended Complaint.

106. Denies the truth of the allegation contained in Paragraph 106 of the Amended Complaint.

107. Denies the truth of the allegation contained in Paragraph 107 of the Amended Complaint.

108. In response to paragraph 108, repeats, reiterates and realleges each and every response contained in paragraphs 1 through 107 of this Answer with the same force and effect as though set forth in full at this point.

109. Denies the truth of the allegation contained in Paragraph 109 of the Amended Complaint and refers the Court to any conclusions of law made therein.

110. Denies the truth of the allegation contained in Paragraph 110 of the Amended Complaint.

111. Denies the truth of the allegation contained in Paragraph 111 of the Amended Complaint.

112. Denies the truth of the allegation contained in Paragraph 112 of the Amended Complaint and refers the Court to any conclusions of law made therein.

113. Denies the truth of the allegation contained in Paragraph 113 of the Amended Complaint.

114. Denies the truth of the allegation contained in Paragraph 114 of the Amended Complaint and refers the Court to any conclusions of law made therein.

115. Denies the truth of the allegation contained in Paragraph 115 of the Amended Complaint.

116. Denies the truth of the allegation contained in Paragraph 116 of the Amended Complaint.

As and For a First Affirmative Defense

117. The Plaintiff's Verified Amended Complaint fails to state a cause of action against the Defendant upon which relief may be granted.

As and For a Second Affirmative Defense

118. Defendant has one or more affirmative defenses founded upon documentary evidence.

As and For a Third Affirmative Defense

119. Plaintiff's claims are barred in whole or in part by applicable statutes of limitations.

As and For a Fourth Affirmative Defense

120. Plaintiff's claims are barred in whole or in part by the doctrines of laches, waiver and estoppel.

The aforesaid affirmative defenses are raised without prejudice and with reservation of rights to assert other and distinct affirmative defenses.

WHEREFORE, Defendant demands judgment in its favor and against Plaintiff as follows:

1. Dismissing Plaintiff's Amended Complaint, in its entirety;
2. Awarding Defendant, Kings Autoshow Inc. d/b/a Brooklyn Mitsubishi's costs and disbursements of this action, including attorneys' fees; and
3. For such other and further relief as the Court may deem just and proper.

Dated: December 21, 2020
Syosset, NY 11791



C. Fred Weil, Esq.

LAW OFFICES OF C. FRED WEIL

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